The State of FLORIDA v. YOU

The Accused's Guide to Defending a Florida DUI Charge

RUTH ANN HEPLER, ESQ
& MICHAEL P. SULLIVAN, ESQ.

The State of FLORIDA v. YOU

The Accused's Guide to Defending a Florida DUI Charge

The State of FLORIDA v. YOU

The Accused's Guide to Defending a Florida DUI Charge

RUTH ANN HEPLER, ESQ
& MICHAEL P. SULLIVAN, ESQ.

Printed in the United States of America.

ISBN: 978-1-59571-509-8

Designed and published by

Word Association Publishers
205 Fifth Avenue
Tarentum, Pennsylvania 15084

www.wordassociation.com
1 800 827 7903

TABLE OF CONTENTS

SULLIVAN & HEPLER
1644 BLANDING BLVD.
JACKSONVILLE, FLORIDA
32210

904 384 8808

www.sullivanandhepler.com

Introduction

You've been charged with DUI. You found yourself handcuffed and thrown in jail, and now you don't know where to turn for answers about what to do next. This book is a guide that will help you figure out where to go from here.

But this book can't take the place of hiring an experienced DUI lawyer. That is the single most important thing you should do after getting arrested for DUI. The law is too complex, and the penalties are too steep in Florida to handle this criminal charge yourself. You need someone to steer you through the process and protect your rights! After all, DUI is not "just a traffic ticket." It is a very serious criminal offense with consequences that can affect your personal life, your job, and your pocketbook for the rest of your life.

We have written this book to help you understand the basics. We encourage you to call our office to talk to Ruth Ann Hepler about the specifics of your case after you read this book. She has been defending people charged with DUI for more than 17 years, and if you hire Sullivan & Hepler, she will investigate the facts, analyze the law, and challenge the State's evidence. She will make every effort to insure a positive outcome in your case.

Please do NOT consider anything in this book to be legal advice. If you hire our firm, we will establish a lawyer/client relationship with you, and we will give you legal advice. The information in this book is intended only to be a guide to help you understand the law and to recognize the importance of hiring a lawyer to help you defend a DUI charge.

Chapter One
The Consequences of a DUI

DUI is a serious crime in Florida, even though it is classified as a misdemeanor. The penalties have increased over the last 20 years as society has recognized the dangers of driving under the influence of alcohol or drugs. But it's not a crime of intent—nobody goes out with the intention of committing the crime of DUI. And many people charged with the crime are NOT GUILTY. Often times, the police become over-zealous in their efforts to keep our streets safe, arresting people who are not impaired.

If you are arrested and charged with DUI for the first time, a conviction carries a "minimum mandatory" sentence. This means that if you plead guilty or no contest to the charge, the judge has NO CHOICE but to sentence you to at least the minimum penalty required by law, even if he or she thinks you don't deserve it. This includes a conviction (adjudication of guilt). The court is NOT ALLOWED to withhold adjudication of guilt for a DUI. The **minimum** penalties for a first DUI in Florida are:

- 6 months' probation ($60 per month for cost of supervision)
- attending DUI school ($231)
- performing 50 hours of community service
- impoundment of your vehicle for 10 days
- a $500 fine plus court costs, totaling $1,016
- 6 months' driver license suspension

In addition, many judges require attendance at a Victim Impact Panel ($35), which is a one-time session sponsored by Mothers Against Drunk Driving (MADD) in which victims of DUI crimes speak about their experiences. These are just the minimum penalties. The judge can impose more severe penalties, including jail time (up to 6 months).

Judges also have the discretion to require you to obtain an ignition interlock device on your car before you can get your license reinstated (this is required on a first conviction if your blood alcohol level was .15 or higher or if there was a minor child in the car). This device prevents your car from starting if you blow a breath sample that registers a blood alcohol content of .05 or more. The cost is $70 for installation plus $67.50 per month (with a $100 refundable deposit or $5 per month insurance charge).

In addition, you will be required to pay restitution for any out-of-pocket expenses incurred by anyone as a result of the case (e.g., car repairs, insurance deductibles, medical care, etc.). You will not be able to get your driver license reinstated until all restitution has been paid.

If you take the breath test and blow over the legal limit (.08), your license will be automatically suspended for 6 months by the DMV (see Chapter 3). As mentioned above, the judge is also required to suspend your license for 6 months if you are convicted of DUI. This sometimes results in two separate or overlapping periods of suspension. For example, if you blow over the limit on February 1, DMV suspends your license until the end of July. If your case is not resolved until

September, and you are convicted of the DUI at that point, the judge will suspend your license again for another 6 months!

When you do get your license reinstated, you will have to pay a fee to the DMV ($150) and provide proof of insurance (which will cost you a lot more after a DUI conviction). In addition, a new law requires drivers who have been convicted of DUI to obtain more than the minimum amount of insurance otherwise required, which of course will cost you more!

If you refuse to take the breath test (or a urine or blood test if required—see Chapter 5), your license will be suspended for 12 months. (If you have refused before, the suspension is 18 months, and you will also be charged with a crime for a second refusal).

So the **minimum** out-of-pocket expenses you will incur for a **first** DUI conviction are more than $1,600. This doesn't include the cost of paying your bond to get out of jail, going without your car for 10 days, taking time off work to see your probation officer, getting a hardship license, being prohibited from driving for 6 months, and getting your license reinstated.

A fourth DUI conviction or a third conviction within 10 years of the first is classified as a third degree felony, punishable by up to five years in prison. A DUI that results in serious bodily injury is automatically classified as a third degree felony, and a DUI that results in death is automatically classified as a second degree felony, punishable by up to 15 years in prison.

A DUI conviction cannot be sealed or expunged at a later date under any circumstances (which is true for any case for which you are adjudicated guilty). Many people mistakenly

think that a DUI is "erased" from your record after seven years. That is simply not true. This is a conviction that stays on your record forever!

Of course, the penalties are stiffer for subsequent DUI convictions. And there are all kinds of special circumstances for different and additional penalties that are too numerous to list here.

Chapter Two
You've Been Arrested for DUI—Now What?

When you were arrested, you probably waited for hours in a holding cell until finally you were herded into a courtroom (called "J1" in Jacksonville) for a proceeding called "first appearance" (that is, your first appearance in front of a judge). You probably didn't understand exactly what was happening, and you probably didn't get a chance to talk to anyone about your specific circumstances. You may have entered a plea of not guilty because you knew you wanted to fight the charges against you. Or you may have entered a plea of guilty or no contest because you knew you couldn't afford to post bond, and you had to get out of jail to go back to your job or your family. What do you do now?

If you pled guilty or no contest, and you're having second thoughts, you may have grounds to withdraw your plea. A good lawyer can review what happened at first appearance to see whether your rights were violated. Did the judge explain your options to you in a way that you could understand? Did the judge threaten to set a bond you couldn't possibly afford if you didn't plead guilty? Did you realize that you had the right to talk to a lawyer before deciding what to do? These are the types of things that a lawyer should explore with you. If a motion to withdraw your plea is granted, then you get to start over and challenge your DUI charge.

If you paid a bail bondsman to post your bond so you could get out of jail, you will not get your money back, even if the charges against you are dropped. The bondsman will keep track of your case to make sure that you or your lawyer appear in court. If you fail to appear, your bond will be forfeited, and your bondsman will come looking for you! If you posted a cash bond, your money will be returned to you by the Clerk of Court when your case is resolved as long as you or your lawyer appear in court.

If you pled not guilty but could not afford to post bond, a lawyer can file a motion asking the court to lower your bond or even release you on your promise to come back to court (ROR or release on your own recognizance). The judge will consider a variety of factors in making this decision, including:

- how long you've lived in the area
- whether you have family in the area
- your prior record
- the strength of the evidence against you
- whether you have a job

If you pled not guilty, then you were given another court date for "arraignment." This is when the State files the formal charges against you in a document called an "information." Your lawyer will enter a not guilty plea on your behalf at the arraignment, and your case will be passed to another court date called a "pretrial." Your case will probably be continued several more times before it's resolved. Your lawyer may set

court dates for hearings on motions that are filed and eventually, may even set a date for a jury trial.

Your lawyer can prepare a document called a "waiver of appearance" that allows the lawyer to handle almost all of your court appearances without you. That way you don't have to take time off work to go to court every two or three weeks until your case is resolved.

The State is required by the speedy trial rule in Florida to bring your case to trial within 90 days after your arrest. It may be to your advantage to waive speedy trial if more time is needed to prepare your case. But many times, your lawyer can force a good result in your case by refusing to waive speedy trial. The State may not have enough time to put its case together in three months, or it may not be able to locate the witnesses it needs. Many times, the prosecutor's heavy caseload simply makes it difficult to get ready in such a short period of time. The decision whether to waive speedy trial is a matter of strategy that should be considered carefully by an experienced DUI lawyer. Ruth Ann Hepler has been successful many times in getting cases dropped or resolved more favorably by refusing to waive her clients' rights to speedy trial.

Chapter Three
The DMV Hearing

If you took the breath test, and the result was at or above the legal limit of .08, your driver license was automatically suspended by the Department of Highway Safety and Motor Vehicles (DMV) for at least six months. If you refused to take the breath test (or a urine or blood test), your license was automatically suspended for 12-18 months. However, you are allowed a 10-day grace period during which you can drive.

It is during this 10-day grace period that you must apply for a DMV hearing to challenge the suspension of your license. **If you don't file for a hearing during this 10-day period, you lose the right to challenge the suspension of your license**. Your lawyer can file the necessary paperwork to request a hearing, which will usually be scheduled in four to five weeks. You will get a business and/or school driving permit to use until your hearing.

The DMV will subpoena the arresting officer to appear at your hearing. Your lawyer can subpoena other witnesses who may be able to help you show that your license should not have been suspended.Your driving privileges will be reinstated if your lawyer can convince the hearing officer that your license was wrongfully suspended. For example, Ruth Ann Hepler was successful in getting a client's license reinstated by convincing the hearing officer that he did not really refuse to take the breath test.

Even if your license is not reinstated, the hearing gives your lawyer a tremendous opportunity to get more information about the strength or weakness of the State's case early on in the proceedings. The arresting officer will be forced to testify under oath before the prosecutor has a chance to meet with him. This is important because a defense lawyer is not ordinarily allowed to take an officer's deposition (testimony under oath) in a misdemeanor case. If the officer changes his or her testimony later, your lawyer can "impeach" the officer by showing that prior testimony given under oath was different. Also, the testimony the officer gives at the DMV hearing could be grounds for your lawyer to file a motion to suppress (see Chapter 5), and it can be helpful in cross-examining the officer at trial (see Chapter 6).

Chapter Four
How to Help Your Lawyer Help You

Good investigation is the key to a successful DUI defense. But it's absolutely critical for you to help your lawyer determine what things need to be investigated. That's why, at Sullivan & Hepler, we start every case with a lengthy conference with our client. We need to know every detail of what happened before, during and after the arrest. These are some of the things we usually discuss with our clients at the initial conference:

- What were you doing on the day you were arrested and even the day before? Did you get a good night's sleep? Were you stressed out about some problem? Did you have a fight with your spouse? What did you eat and drink, and when? How big were the drinks, how much did you eat, and when?

- What was the weather like? Was it cold, rainy or windy? Were you wearing a jacket or a hat?

- Were you wearing high heels, sneakers, or boots? What kind of clothes were you wearing? What kind of jewelry were you wearing?

- How long was it between the time you had your last drink and the time you took (or refused) the breath test?

- Did the officer have a recruit or a friend riding along who is not listed on the police reports?

- Did the officer read your Miranda rights? If so, when?

- Who were you with? Did you have a passenger in your car? Who can verify how much you drank and what you ate? Was there a waiter or bartender who knew you or might remember you? Who saw you perform the field sobriety exercises? Who heard you talking to the police? What are the names and phone numbers of your witnesses?

- Did you pay for your food/drinks with a credit card? Do you have the receipt, or can you get it?

- Do you have any medical conditions that affect your speech, your coordination, or any of your other normal faculties? Were you taking any medication?

The answers to these questions guide us toward possible defense strategies.

Chapter Five
Challenging the State's Evidence

The pre-trial work your lawyer does is the most important part of mounting a strong defense. In addition to gathering defense evidence, this involves analyzing the State's case to identify legal issues that can be raised to suppress or challenge evidence. If your lawyer is successful at getting some or all of the State's evidence thrown out of court, the prosecutor may be forced to drop the charges. In some situations, if your due process rights were violated, your case might be dismissed by the court.

It's important to remember that no two cases are exactly alike. The defenses that can be raised in a DUI case are limited only the by creativity and experience of your lawyer. Following is a discussion of some of the most common issues that come up in DUI cases.

The Stop

The police need "reasonable suspicion" that you're driving under the influence of alcohol or drugs in order to pull you over. If the officer's stated reason for pulling you over is not legitimate, all of the evidence could be excluded. For example, an officer noticed a driver drift over about one foot into the turn lane and then slowly get back into his own lane. The driver was later arrested for DUI. The appeals court ruled that the officer pulled him over based on a "bare suspicion" or a "hunch," and his conviction was overturned.

However, an officer can always pull you over for any traffic or equipment violation (e.g., running a red light, improper turn, broken tail light). But if you didn't commit the violation, all of the evidence can be suppressed. Say you have two witnesses who can verify that you did not run the red light. Your lawyer can file a motion to suppress, present your witnesses, and cross-examine the officer about what he or she saw. If the judge believes that you did not in fact run the red light, your motion will be granted, all evidence will be excluded, and the State will be forced to drop the charges.

You may have been stopped at a DUI checkpoint or roadblock. These are being used more commonly now, especially on holiday weekends. The police must file a written plan ahead of time detailing exactly how the checkpoint will be carried out, and specific legal rules govern how a checkpoint must be conducted. A deviation from the written plan or a violation of the legal rules can be grounds for a motion to suppress. For example, in 2008, an appeals court ruled that a driver's conviction should be overturned because the Charlotte County Sheriff's Office failed to strictly comply with its written plan for a roadblock.

The Arrest

Even if you were legitimately stopped for a traffic violation, the officer must have probable cause in order to arrest you for DUI. Police usually develop probable cause by listening to how you talk, scrutinizing what you say, observing how you act, and watching you perform field sobriety tests. If the

officer's observations don't add up to probable cause, then all of the evidence will be suppressed, and the State will be forced to drop the case. Ruth Ann Hepler filed a motion challenging the legality of the arrest in a case where her client was arrested for DUI primarily because he spoke little English and could not communicate with the police. The officers could not determine whether his speech was slurred since they didn't speak Spanish, and they could not ask him to submit to field sobriety testing.

Statements to the Police

One of the most important parts of the State's case in a DUI is the statements you made to the police. Sometimes these statements can be damaging to your case. A good lawyer can analyze the circumstances surrounding the statements to determine whether there are any grounds to suppress them. Ruth Ann Hepler was successful in getting a client's statements suppressed in one case where the client spoke Spanish, and the State could not locate the translator who translated his words into English.

If the police detain you (that is, keep you in custody, whether or not you're actually handcuffed), they are required to read your Miranda rights before asking you any questions. It can be difficult to determine in a DUI case whether you were "in custody" for legal purposes when the police questioned you. The key question is whether you were free to leave. Most people never ask the officer whether they're free to leave, so it's up to the court to determine whether you were

free to leave based on all the circumstances. If the court determines that you were in custody when you made statements but the officer did not read your Miranda rights, your statements will not be admitted in court, which means this evidence cannot be used against you. For example, a man in South Florida was pulled over for DUI. The officer told him not to leave and then took him to a gas station, asked him questions, and administered field sobriety tests, all without reading the Miranda warnings. The appeals court held that he had been "in custody" when he talked to the officer under these circumstances, so his statements were not admissible as evidence against him.

On the other hand, any statements that you make spontaneously are admissible in court as evidence against you. If you jumped out of your car after the officer pulled you over and blurted out, "Officer, I'm fine, I've only had nine beers," then it will be difficult for your lawyer to get that statement suppressed!

Once you are taken to jail, your phone calls are recorded. Any statements you make on the phone are fair game for the prosecutor to use against you at trial.

Physical Evidence

If you are legitimately arrested, the police have the right to search your car, and any incriminating evidence can be used against you at trial. Common items that fit into this category are beer cans, liquor bottles, drug paraphernalia, and prescription medication bottles. But if the stop isn't legitimate, the

evidence can't be used against you. For example, a man in Palm Beach County was pulled over for squealing his tires as he pulled out of a motel parking lot at 2:00 a.m. and ticketed for an "improper start." The officer found illegal drugs in his car. The appeals court found that the officer didn't have reasonable suspicion to pull the man over for "improper start" or for DUI, so the drug conviction was overturned.

Testing: Blood, Breath, and Urine

Florida's "implied consent law" says that when you accept the privilege of becoming a licensed driver, you automatically consent to take a breath, blood or urine test **as required by the law**. Look at the fine print on the bottom of your license. This is what it says: "Operation of a motor vehicle constitutes consent to any sobriety test required by law." But the law is more than a little confusing, and the tricky part is figuring out whether the test was required by law in your particular case. This is a very technical legal question that only an experienced DUI lawyer can sort out for you.

A police officer cannot ask you to take a breath test unless the officer has "reasonable cause" to believe you were driving under the influence of alcohol and the request is "incident to a lawful arrest." The officer's failure to comply with this law can result in a successful motion to suppress the results of the breath test. For example, Ruth Ann Hepler successfully got the breath test results suppressed in one case by arguing that the officer's reason for arresting the client was his suspicion that he was driving under the influence of drugs, not alcohol.

Likewise, an officer cannot ask you to submit to a urine test unless the officer has "reasonable cause" to believe you were driving under the influence of drugs and the request is "incident to a lawful arrest." Ruth Ann Hepler has successfully argued many times that urine test results should be suppressed because the officer had no reason to believe that her client was under the influence of anything other than alcohol.

You have probably heard news reports from time to time about hundreds of DUI cases being dropped because of problems with the Intoxilyzer (breath test) machine. This happens because there are many rules and procedures that must be followed in testing, calibrating, and operating the machines, and occasionally a situation comes to light in which the rules have been completely disregarded. This can be grounds for suppression of the breath test results in all cases in which a certain model of the machine was used. More commonly, the results in a particular case are suppressed because of a problem with the testing or maintenance of the machine used in that case. Ruth Ann Hepler has had many cases in which the breath test results were suppressed because of problems with the Intoxilyzer. An experienced DUI lawyer should know what to look for to determine whether there are any legal grounds for suppression in your particular case because of problems with the breath test machine.

You may have been asked to consent to a blood test in your case. Florida law sets out very narrow and limited circumstances in which the police are allowed to ask for a blood test in a DUI case. However, there are some situations in

which the police can take your blood even if you refuse. If you consented to a blood test in a situation in which the police did not have legal grounds to ask for it, the results of the test can be suppressed. Ruth Ann Hepler has successfully argued many motions to suppress on these grounds.

If you refuse to take a breath, urine or blood test, the state can use the refusal against you by arguing to the jury that you refused because you knew you were guilty. But the refusal can also be suppressed if the police were not justified in asking you to take it. Ruth Ann Hepler has been successful many times in getting refusals thrown out of court in such situations.

Chapter Six
Trial

So you've had a DMV hearing, your lawyer has filed all kinds of motions, you've looked at all of the State's evidence, and you're ready to go to trial. What can you expect?

A good cross examination of the police officers by your defense lawyer is the key to a successful trial. But there's more to it than that. Your lawyer should also be skilled at jury selection, which really means getting rid of the people who are biased against you from the start. You want jurors who haven't already made up their minds that you're guilty. Jury selection is also the time to plant the seeds of your defense in the minds of the jurors. Your lawyer should get them thinking and talking about the reasons you could be innocent, and educate them about how hard it is for the State to prove a DUI. Your lawyer should also be prepared to make a persuasive closing argument to the jury about why you are not guilty of DUI.

The State has two ways to prove a DUI, but both of them can be challenged in court. First, if your blow (breath test result) was .08 or higher, the State gets a "presumption" that you're guilty. That means the jury can say, "That's all the evidence we need to convict." It's your lawyer's job to show the jurors why they should acquit despite the results of the breath test. For example, maybe the breath test wasn't reliable or accurate. Or maybe you were completely in control even though your blow was over the limit—your speech wasn't slurred, your driving was fine, and your friends can testify that

you only had a couple of drinks over a long period of time. Many times, your lawyer can make a convincing argument for acquittal because your blow doesn't reflect how much alcohol was in your system at the time you were driving. This is because you don't usually get to take the breath test until hours after you were stopped, meaning that when you were driving, the alcohol had not yet impaired your normal faculties.

The second way the State can prove a DUI is by showing that based on all the evidence, you were driving while you were under the influence of alcohol "to the extent your normal faculties were impaired." What are your "normal faculties?" Things like your ability to see, hear, walk, talk, judge distances, drive a car, etc. How does the State prove this? Again, it depends on the case, but usually the evidence is made up of the testimony of the police officer who stopped you and the Intoxilyzer operator who asked you to take the breath test. They usually testify about how your speech sounded, what statements you made, whether you followed instructions, how you looked, and how you performed on the field sobriety tests.

This is what makes DUI different. DUI is a unique crime because the witnesses are allowed to give their opinions about whether you're guilty. This kind of testimony is not allowed in any other kind of trial. If you were charged with armed robbery, the detective would not be allowed to give his opinion about whether you were guilty—he would only be allowed to talk about what evidence he gathered during the course of his investigation, and it would be up to the jury

to draw the conclusion that you were either guilty or not guilty. In a DUI trial, the officer is allowed to testify that he believes you were under the influence of alcohol to extent your normal faculties were impaired, which means he believes you're guilty!

It is often possible to pick apart the details of the officers' allegations to show that they are biased. A good lawyer can point out that the officer's memory of the events has become clouded over time; this may convince the jury that there are innocent explanations for what appears to be damaging evidence against you. Remember, police officers look for evidence of your guilt. It's your lawyer's job to point out evidence of your innocence.

If you took field sobriety tests, you already know how biased police officers can be. It's virtually impossible to "pass" these tests, which means to complete them to the satisfaction of the officer. You can't do it, because the officer will always find something to criticize. Even though you are expected to do things that you would never do in your everyday life (like walking heel-to-toe on a straight line), you are judged like an athlete in the gymnastics competition at the Olympics! An experienced DUI lawyer can show the jury how absurd this is. If you're lucky, the police officer videotaped your performance. The jurors will watch the video, and they can see and judge for themselves how you did.This eliminates the possibility that the officer might exaggerate his testimony, and your lawyer can point out all the things that show how your normal faculties were not impaired. In one case, Ruth Ann Hepler convinced

a jury to return a not guilty verdict after a four-hour cross examination of the arresting officer, focused primary on the field sobriety tests, even though there was no videotape.

After the State rests its case, it's your turn. You have two choices: you can simply argue against the State's evidence, or you can present your own evidence. (This is an important strategy decision that should be made in consultation with your lawyer.) Even if you don't have witnesses who were with you, you might want to call experts or other witnesses who have information that could help your case. For example, a traffic engineer could testify about how the light was malfunctioning; an accident reconstruction expert could testify that you didn't cause the accident; or a doctor could testify that your blood alcohol level was different at the time you took the breath test than it was when you were driving. Or you could decide to testify yourself, whether or not you present other witnesses. Again, this is an extremely important decision that you should make only after consulting with your lawyer. Ruth Ann Hepler has won many cases both with and without the testimony of her client.

If you decide to testify, we will prepare you to take the stand so that you'll know what to expect. We'll tell you what details are important to include, and we'll help you understand how to explain your story to the jury effectively. We'll practice your testimony with you so that you'll feel comfortable with what you'll say to the jury. We'll also practice cross examination with you so that you'll know what to expect when the prosecutor questions you.

Chapter Seven
Hiring an Attorney to Defend Your DUI

Hopefully, this book has shown you the benefit of having experienced counsel on your side. We hope you will consider choosing our firm to represent you.

Ruth Ann Hepler has represented thousands of clients charged with DUI. She has been fighting for the rights of clients day in and day out for the past 17+ years. She has seen the good, the bad, and the ugly. She has filed motions, deposed witnesses, visited scenes, hired experts, negotiated pleas, and tried cases, giving her invaluable courtroom experience.

At our office, you will NOT be treated like a number. You will get personalized, courteous, prompt attention. We will answer all of your questions and guide you through the process, one step at a time. We will sit down with you to go over every detail of your case, from hours before you were arrested to the moment you were released from jail. We will talk to your family members (if you want us to) and keep you informed about the progress of your case. When you call the office, Ruth Ann Hepler will talk to you if she is available and call you back promptly if she's not. She will file a waiver of appearance so that you don't have to take time off work to go to court every couple of weeks.

We will work with you to try to obtain the result that you want in your case. You may be looking for a quick resolution with minimum penalties. You may want to pursue plea negotiations for a lesser charge. You may want to argue for the suppression of evidence that was illegally obtained. Or you may

want to take your case to a jury. The key is that it's YOUR case, and we will fight for the result that YOU want. After all, it's YOUR life. Your lawyer's job is to advise you about the strengths and weaknesses of your case, explain the law to you, and lay out your options so that YOU can decide how you want to proceed.

A lawyer who makes promises or guarantees is not trustworthy. If a lawyer promises you that he can get your charges dropped, he is not being honest with you. If a lawyer guarantees you a "not guilty" verdict at trial, she is not being honest with you. We will not make guarantees or promises about the outcome of your case. We WILL promise to fight for your rights, to treat you with courtesy and respect, and to work diligently toward a positive outcome in your case. We WILL guarantee that we will leave no stone unturned in the defense of your case!

When you need a lawyer to defend your rights, cheapest is not always best. The old adage that "you get what you pay for" is true. If you want a lawyer with experience, a lawyer who will give you personalized attention, a lawyer who will fight for you, then you should be prepared to pay a little more. On the other hand, most expensive is not always best either. Some lawyers charge exorbitant prices but don't deliver the service you expect.

At Sullivan & Hepler, you will be charged a flat-rate fee that includes all the legal work necessary to defend your case, including the DMV hearing. You will NOT be billed by the hour. Sullivan & Hepler strives to provide high-quality, high-value legal services.

DUI Penalty Chart

Convictions	**1st**	**2nd**	**3rd**
Driver License Revocation	at least 180 days up to 1 year	at least 5 years if within 5 years of 1st conviction	at least 10 years if within 10 years of 2nd conviction
Fine (not including court costs)	at least $500 up to $1,000	at least $1,000 up to $2,000	at least $2,000 up to $5,000
Fine w/minor in car or blood alcohol level .15 or more	$1,000 up to $2,000	$2,000 up to $4,000	$4,000 up to $5,000
Jail Time	up to 6 months	up to 9 months/ at least 10 days if within 5 years of 1st conviction	up to 1 year /if within 10 years of 2nd conviction, at least 30 days up to 5 years
Jail Time w/minor in car or blood alcohol level .15 or more	up to 9 months	up to 1 year/ at least 10 days if within 5 years of 1st conviction	up to 1 year/if within 10 years of 2nd conviction, at least 30 days up to 5 years
Probation	at least 6 months/ up to 1 year	up to 1 year	up to 1 year
Comm. Service	at least 50 hours		
DUI School	Level I mandatory	Level II mandatory	Level II mandatory
Ignition Interlock	up to 6 months	at least 1 year	at least 2 years
Ignition Interlock if blood alcohol level .15 or more	at least 6 months	at least 1 year	at least 2 years
Impoundment of Vehicle	10 days	30 days	90 days

Important Phone Numbers, Addresses and Websites

Florida Department of Highway Safety and Motor Vehicles
www.flhsmv.gov
(850)617-2000

Main Driver License Office (for hardship license)
7439 Wilson Boulevard
Jacksonville FL 32219
(904)777-2136

Clerk of Court (misdemeanor)
www.duvalcerk.com/ccwebsite/
330 East Bay Street
Room M106
Jacksonville FL 32202
(904)630-2070

Traffic Violations Bureau
(904)391-6700

Florida Highway Patrol (for accident reports)
7322 Normandy Boulevard
Jacksonville FL 32205
(904)695-4115

Northeast Florida Safety Council (for DUI school)
1725 Art Museum Drive
Jacksonville FL 32207
(904)399-3119
www.nefsc.org

Victim Impact Panel (MADD)
(904)388-2455

Salvation Army (probation)
328 N. Ocean Street
Jacksonville FL 32202
(904)353-0971
M-F 7:00 am-5:30 pm

1258 Beach Boulevard
Jacksonville Beach FL 32250
(904)246-5563
M-F 8:00 am-12 noon, 12:45 pm-4:45 pm

About Sullivan and Hepler

Michael P. Sullivan grew up in the Boston, Massachusetts suburb of Malden and graduated from Boston College in 1987 with a degree in history. After graduating from Suffolk University Law School in Boston in 1990, he started his career at the Jacksonville Public Defender's Office in 1991. He opened his own private practice in 1995. He and his wife Joan have a daughter named Hannah.

Ruth Ann Hepler grew up in Panama City, Florida. She graduated from the University of Missouri in 1988 with a degree in journalism. She got her law degree from the University of Florida in 1991 and joined the Jacksonville Public Defender's Office in 1992. She opened her own private practice in 1999 and returned to the Public Defender's Office to work part-time in 2003. In 2008, she joined Mike full-time in his practice. She and her husband Carey have three daughters, Janie, Patti and Sally.

The firm is now called Sullivan & Hepler, Attorneys at Law. The firm practices in the areas of criminal defense, Social Security disability, workers' compensation, and veterans' compensation claims.

The firm is located at 1644 Blanding Boulevard, Jacksonville FL 32210. Our phone number is (904)384-8808. You can also find us on the web at www.sullivanandhepler.com. If you know anyone who may be interested in reading this book, a free copy can be ordered through our website or by calling our office.

SULLIVAN & HEPLER
1644 BLANDING BLVD.
JACKSONVILLE, FLORIDA
32210

904 384 8808

www.sullivanandhepler.com

The State of FLORIDA v. YOU

Ruth Ann Hepler has been defending DUI cases in Florida since 1992. She received her undergraduate degree from the University of Missouri in Columbia and her law degree from the University of Florida College of Law.

Mrs. Hepler used her experience to write this book in an effort to familiarize people with the law on DUI in Florida and to help them recognize the importance of hiring a lawyer to defend a DUI charge.

For more information about DUI, please visit **www.sullivanandhepler.com.**

$16.95

WA
WORD ASSOCIATION PUBLISHERS
www.wordassociation.com
1 800 827 7903

ISBN 978-1-59571-509-8
51695 >
9 781595 715098